

MINUTES

WARRICK COUNTY AREA PLAN COMMISSION

Regular meeting held in Commissioners Meeting Room,

Third Floor, Historic Court House,

Boonville, IN

Monday, June 13, 2016, 6:00 PM

PLEDGE OF ALLEGIANCE: A moment of silence was held followed by the Pledge of Allegiance.

MEMBERS PRESENT: Guy Gentry, President; Bill Byers, Doris Horn, Amanda Mosiman, Brad Overton, Richard Reid and Jeff Willis.

Also present were Morrie Doll, Attorney, Sherri Rector, Executive Director and Sheila Lacer, Staff.

MINUTES: Upon a motion by Bill Byers and seconded by Brad Overton, the Minutes of the last regular meeting held May 9, 2016, were approved as circulated.

The President explained the Rules of Procedure to the audience.

SUBDIVISION FOR PRIMARY PLAT APPROVAL

PP-16-10 Sierra Ridge Community Planned Residential Unit Development Subdivision Section II by Sierra Ridge Homeowners Association, Mike Enlow, Pres. And PBMI Oreo, LLC. Joseph M. Geisel, M.D. OWNER: Same. Approximately 14 acres located along the circle of Sierra Drive approximately 150' SW of the intersection formed by Quail Crossing Drive and Sierra Drive. Being lots no. 4, 4A, 5, 5A, 6, 6A, 10, 10A, 11, 11A, 12, 12A, 13, 13A, 14, 14A, 15, 15A, 18, 18A, 19, 19A, 20, 20A, 21, 21A, 22, 22A, 23, 23A, 24, 24A, 25, 25A, 26, 26A, 27, 27A, 28, 28A, 29, 29A, 30, 30A, 31, 31A, 32, 32A, 33, 33A, 34, 34A, out-lot A and common areas in Sierra Ridge PRUD. BOON Twp. *Advertised in the Standard June 2, 2016.*

Jim Biggerstaff, Utilities Consulting and Tom Norton, Attorney, were present.

The President called for a staff report.

Mrs. Rector said they have submitted all the return receipts from certified mail of notice of this meeting to the adjacent property owners except for Keneipp, Derrington, Hullet, Bates, Jones, Kapp and Gwaltney. She said they do have white pay receipts showing they were mailed to the correct address and within the 21 day mailing. She said the property is zoned "R-2" Multiple family zoning which allows up to four independent dwelling units per lot. She added this zoning requires a 60' frontage and 6,000 square feet or 3,000 per dwelling unit whichever is greater. She said there is no flood plain on the property and the subdivision consists of 29 lots. Mrs.

Rector said the County Commissioners ruled there would be no improvements to existing streets and the Drainage Board approved the drainage plans. She said Boonville Sewer has submitted a capacity letter and Chandler Water has stated they have lines in place and available for connections. She said they are proposing to build single family homes. She said this is a replat of the original Sierra Ridge PRUD which was platted to be duplexes. She said this replat is in three areas and they are proposing to build single family homes instead of duplexes, thus reducing from 52 duplex units to 29 single family dwellings. She said the plat needs minor corrections but it is in technical conformity with the Subdivision Control Ordinance.

Guy Gentry said he would like to go on record that he is a notice adjacent property owner and he has no legal interest in the property but asked if there is a conflict of interest for him to vote on this.

Attorney Doll stated there is no conflict.

Jim Biggerstaff said they were here to answer any technical or legal questions they may have.

Ascertaining there were no questions from the Board, the President called for remonstrators.

Ed Miltenberger, 4865 Sierra Ridge Drive, said they held a public meeting earlier in the year and at that time it was questioned why they wanted to modify the number of lots there. He said they have jammed in eight lots on an area where there were seven on the right hand side (east) and they have jammed seven lots where there were six on the west side. He said at the time of the meeting he questioned the gentlemen here and the Home Owners Administration why they would want to change the lot sizes and preserve the ability to either build a condominium if someone chose to (as they are now) or if someone chose to, a single family dwelling. He said no one opposes them doing that in the same spot and preserve the distances between the buildings. He said if they would look at the plat they will notice they have jammed the lots closer together. He said they previously agreed to, by the home owners when they created the association....he is not sure if any others oppose this because of the decreased amount of size of the lots. He said he doesn't think it is appropriate and he thinks it is a demonstration of unnecessary ...greed, by the developer. He said they can't sell the lots now for townhouses, so they claim, they believe they can sell the lots as single family homes. He said he proposes they should preserve the size of the lots so if a builder in the future would want to build a condo or a patio home they could and maintain the aesthetic value of the area. He said by pushing the lots together they are decreasing the aesthetic value and he would further add that it is interesting that on the inside of this plat they have ten lots where there were ten lots and on the outside ring they are jamming them together and force 15 homes where there would only be 13 right now. He said he doesn't understand this logic of preserving the integrity of the area. He said he would be in general agreement with the proposal if they would go back and preserve the integrity of the aesthetic value of the area and not jam the lots together.

Ascertaining there were no other remonstrators, the President called for rebuttal.

Jim Biggerstaff said he is having trouble understanding his comments. He said they are going from two units to one unit so each lot is single family, not double.

Amanda Mosiman said if she understood him correctly it is more about the size of the lot.

Jim Biggerstaff said they are reducing the amount of units in there and so the lots really are larger and the footprint is only for a single family not a duplex and he thinks that is the confusion here.

Amanda Mosiman asked when this was originally platted.

Mrs. Rector said it was recorded in 1996.

Jim Biggerstaff said the problem is they are a pre-designed, two story unit, and today's market is more of a retirement community and so they have two levels and they are together...so they are trying to make it more attractive.

Amanda Mosiman asked if any of the lots have been sold within this subdivision.

Mr. Biggerstaff said yes.

Mrs. Rector showed the Board where permits have been issued in the subdivision.

Guy Gentry said on one side there is six buildings, or 24 units, where now there will be just seven single family units. He said just because the footprint is there it doesn't mean the house will cover the total area, it means the house has to be within the footprint so he supposes the yards will be wider than what it shows.

Jim Biggerstaff said they had an Association meeting and they went through the foot prints and the type of houses and it is one story basically. He said he thinks they had two abstaining votes.

Attorney Norton said a declaration requires a constitutional majority for the Homeowners Association and the Homeowners Association met a duly called meeting and more or less unanimously, with the exception of two members, to approve this modification to the plat subject only to the approval of this Board.

Brad Overton said this is really an issue between the homeowners and the developer, not something this Board would necessarily have control over.

Guy Gentry said we do on the plat.

Attorney Norton said the majority of the existing homeowners are in favor of this.

Mrs. Rector said it is probably part of the Association's guidelines is they had to vote on this in order to file this plat and bring it to this Board.

Ed Miltenberger said his concern is that at the time of the original PRUD they had an exact design of the units that were to be built with an exact specification between the lots. He said today they have given us an example of some generic allowance which would put the distance between the houses at twelve feet. He said he thinks that is a little extreme given the fact that none of the units today are that close together and he thinks it will be an impingement upon the privacy of the people there if they allow that. He said what he is suggesting is the elimination of one lot on each side of the outside ring. He said they chose to preserve the integrity of the original design on the inside ring. He said he was one of the negative votes and the other was from Mr. Gwaltney because of this exact reason. He said he thinks it will detract from the aesthetic value of the area because none of the houses in the entire Quail Crossing development are that close together and he doesn't believe they should be forced to have houses that close together since they do not have a design, which they had when the PRUD was developed, and now they are allowing a generic build with no specification to preserve the integrity of our community.

Mrs. Rector asked if they agreed to prepare new private restrictions for this plat regarding the construction of the homes in this section.

Attorney Norton said there is an amended declaration and he would have to look at it.

Richard Reid said isn't it at least 1650 square feet.

Attorney Norton said he thinks the declaration is going to be tied to the plot plan and there is construction control by the Homeowners Association as well for the aesthetic part of the construction. He said he isn't sure he has an exact answer to her question.

Jim Biggerstaff said the idea of the footprint is to allow them to build anywhere within the footprint. He said they may be to one side or the other because if you build a house that size it will be 3,000 square feet which would be a \$600,000 - \$700,000 house. He said they assumed the houses will be a minimum of about 1600 square feet which is basic for Quail Crossing and then up to whatever size they want to build. He said the footprint also leaves plenty of room for decks and side yards and whatever amenities they might want to add to the house within that perimeter.

Attorney Norton said the declaration says in addition to all dwelling units constructed after the recording of the amending declaration; they require as follows: approval by Sierra Ridge Community Owners Association as to plans for construction; exterior elevations similar to existing structures; prohibited from having hip-style roof lines; have all exteriors at least 85% brick or stone; prohibited from having any painted brick; required to have a deck or patio that does not exceed 20' x 24'; required to have all landscaping similar to existing landscaping of other units and to be installed promptly upon completion of the structure; required all lawns be sodded with irrigation systems installed and connected to the existing systems in the development. He said as to the single level ranch style structure they are required to have 1600 square feet minimum and as to two level structures they are required to have 1200 square feet on ground and 2000 square feet total. He said they are also required to have a 2-3 car garage either

on the front or side exterior of the structure and they are required to use only general contractors that have been approved by the Association's Board of Directors and they require construction be completed within six months.

Ascertaining there were no other questions from the Board, the President called for a motion.

Richard Reid made a motion to approve PP-16-10. The motion was seconded by Doris Horn and unanimously carried.

REZONING PETITION

PC-R-16-07 Petition of Do It Right Transmission by Kevin Sensmeier, owner. OWNER: Kevin Sensmeier. To rezone .8398 acres located on the W side of Stacer Rd. approximately 0 feet S of the intersection formed by Stacer Rd. and SR 662. from "R-1A" One Family Dwelling to "C-4" General Commercial. Ohio Twp. *Complete legal on file. Advertised in the Standard June 2, 2016.*

Bill Bivins, ACCU Survey and Kevin Sensmeier were present.

The President called for a staff report.

Mrs. Rector said they have submitted all the green cards from certified mail of notice to the adjacent property owners except for Jeffery & Helen Lindall. She said they do have the white pay receipt.

Bill Bivins said he received the green card in the mail today and will bring it in.

Mrs. Rector said this is a rezoning petition to rezone .83 acres from "R-1A" to "C-4" General Commercial and there is no minimum lot size for commercial zoning. She said the Comprehensive Plan projects the area to be commercial bordering high density residential and the existing use of the property is residential. She said the property to the north across SR 662 is "C-4" General Commercial being various businesses; east is "C-3" Ogle Commercial Park; south is "R-1A", residence and to the West is "R-1A" being I-69. She added there is no flood plain on the property. She said the property fronts on Stacer Road and if this is approved they will need to file for a commercial driveway entrance. Mrs. Rector said the stated use is for an automobile repair and service garage which is allowed in the "C-4 zoning and the application is in order.

Amanda Mosiman asked what the existing use is.

Mr. Sensmeier said it is a single family home.

Discussion ensued over the location of the property.

Ascertaining there were no other questions from the Board, the President called for remonstrators.

Andy Scheessele said he is part owner of Schalco Garage Doors and also Newburgh Automotive that is also in this vicinity. He said this property borders the State highway and the driveway on Stacer Road needs to be moved far enough south so a wrecker can get in and out and not cause a problem.

Guy Gentry said when they had site review the entrance was discussed and the County Engineer told him to move the driveway as far south as possible.

Andy Scheessele asked how wide the property is to which Mr. Bivins said it is about 80 feet wide.

Guy Gentry said they could probably go down about 50 to 65 feet.

Mr. Sensmeier said they want to put the driveway as far south as possible and have the parking up by the highway.

Guy Gentry said it looks like they could go down about 50 feet which would put it close to the radius of the Marathon Station.

Andy Scheesele said he thinks that is someone else's property.

Discussion ensued over the location of the driveway.

Mr. Scheesele said he knows Mr. Sensmeier is looking to purchase the property to the south and he would like to postpone this petition until he does that so he can then line the driveway up across from the gas station. He said he thinks backing up traffic on the road will be horrendous and he is concerned over the traffic.

Mrs. Rector asked if there was a stoplight there.

Mr. Scheesele said there is a double light there and they are real close together.

Amanda Mosiman commented there are four lanes on the highway.

Mr. Scheesele said there are four lanes but Stacer Road is very narrow.

Guy Gentry asked Mr. Sensmeier if he is trying to purchase the other property.

Mr. Sensmeier said he has inquired about the property but he hasn't made any offer and it would be nice to have a larger area.

Mr. Scheesele said there is a large amount of traffic that travels Stacer Road to go to Angel Mounds and he would like for this to be continued until he buys the other property.

Discussion ensued over where the driveway could go.

Mr. Bivins said they have no guarantee that Mr. Sensmeier will be able to obtain that property.

Mrs. Rector said she doesn't believe the Board can make that decision that he has to buy more property.

Mr. Sensmeier said if he does obtain it then he can move it farther south which would be great.

Doris Horn asked when he wants to start this.

Mr. Sensmeier said in about two years.

Doris Horn said then he has time to purchase the other property.

Mr. Sensmeier said the owner wants \$1/4 million for the property and that is a lot of money for that.

Mrs. Rector said even if the rezoning is approved they are not approving any building or driveway, they are just approving the zoning of the property. Mr. Sensmeier will still have to satisfy the County Engineer for the driveway and obtain his proper permits for the buildings.

Bill Byers made a motion to recommend approval to the County Commissioners of PC-R-16-07 from "R-1A" to "C-4". The motion was seconded by Amanda Mosiman and unanimously carried.

The petitioners were informed this will be forwarded to the County Commissioners with a recommendation of approval on July 11, 2016, at 4:00 p.m.

OTHER BUSINESS:

Complaint ~ Leland Powell at 222 E. Second St. Lynnville, IN

Mrs. Rector said she hasn't written them a letter to appear because she wanted to talk to the Board about this. She said they all have copies of the complaint that was filed by Doris Horn. She said she thought the Rules and Regulations say that a Board member can't file a complaint.

Attorney Doll said they have never done it before.

Mrs. Rector said in any case, this complaint was filed and says there are vehicles without wheels on the property. She said she sent the Building Inspector out there to take pictures. She said if they remember, there was a complaint on this property before and they ruled there was no violation. She said the pictures are in their packet and the report says there is one car there with one tire missing and there are also two cars parked in the fenced in area. She said she didn't feel there was any violation but since Doris filed the complaint she brought it to the Board for them to make a determination.

Amanda Mosiman asked what the business is there.

Mrs. Rector said she isn't sure but it is zoned "M-1" and he can have a junk salvage yard enclosed in a fence if he wanted.

Doris Horn said since these pictures were taken he has pulled in more cars without wheels. She said people they have turned in for cleaning up their yards he lets them drag them in to his property and as soon as he knows they aren't watching anymore they pull them out of the fenced in area. She said they have caught him burning trash back there – couches and stuff, but there are more vehicles there now. She said Brian Flowers is someone who has asked they do something about this property. She said the day she came in with the complaint the vehicle in the photo wasn't even there.

Mrs. Rector said these are pictures Dennis Lockhart took after the complaint was filed.

Attorney Doll said he didn't think a court will find this in violation, at least not from these photos.

Doris Horn said right now these pictures look good but she can come down every week and bring pictures. She said he is moving cars in left and right. She again said Brian Flowers was the one who asked for them to do something.

Mrs. Rector said all Mr. Powell has to do is make sure he has a solid fence and he can have those cars there.

Doris Horn said but that is up to him.

Jeff Willis said it is vague whether he needs a solid fence or not in an "M-1".

Attorney Doll said with all due respect he isn't going to get a Judge to find a violation based on these pictures and these are the pictures he has as evidence.

Doris Horn said these pictures look fine.

Guy Gentry asked if the Inspector went to the property to which it was stated that is who took the pictures.

Mrs. Rector said the pictures were taken the next day after the complaint was filed.

Doris Horn said there was a car without a transmission there when she filed the complaint.

Mrs. Rector said the complaint was filed May 16th and he took the photos on May 17th.

Doris Horn said there is a car without a transmission just down from the blue building and the busses go right by it.

Jeff Willis said you don't have to have a solid fence in a storage area and so if he puts them in the storage area he is zoned for then he is fine. He said he is just offering his opinion since this is his industry.

Amanda Mosiman said based on these pictures she doesn't think there is any violation. She said if the pictures update....

Attorney Doll said you can find places with cars under car covers all over Warrick County.

Mrs. Rector said what Mr. Willis is saying in regards to the zoning, you can have....

Guy Gentry asked if the fence is all around the property.

Doris Horn said it is not. She said they put that fence up after the last complaint.

Guy Gentry said so it is fenced to which she said it is fenced in those areas.

Doris Horn said these pictures look good but she should have turned in the pictures she had on her phone and she will next time. She said there are cars jacked up and transmissions gone and there are houses around this.

Guy Gentry asked if they pull things into the building and work on them.

Jeff Willis said they have storage inside it. He said he hasn't been inside it but he does know Mr. Powell.

The President asked what the Board desired.

Morrie Doll said he has been the Attorney for this Board for several years and they have always had a policy that Board Members and Staff didn't file complaints for these types of violations. He said if the town wanted to file a complaint or another individual they can, but they always felt that the Board needs to be objective and independent and not have a stake in the complaint and as a consequence....

Discussion ensued over the Rules and Regulations and the statement regarding complaints.

Several Board members spoke at once.

Attorney Doll said the only reason is so they can be independent and non-biased. He said he passes a house he cringes every time he passes but he can't do anything about it. He said he would feel more comfortable if this was voted up or down and as the complainer, Doris should abstain and in the future if any member wants to file a complaint they should ask other likeminded individuals to do so and then there isn't an appearance of bias. He said that is his recommendation, but the Board doesn't have to listen.

Amanda Mosiman made a motion to find no violation on the Powell complaint. Richard Reid seconded the motions. Doris Horn and Jeff Willis abstained and all other members voted for the motion.

Doris Horn said years ago they had a person in Lynnville who had a carlot and the Board made him put up a solid fence because he was around a residential area. She asked what the difference is between that and Mr. Powell. She said he is around the school and homes and it does destroy the value of the property around him.

Mrs. Rector said she thinks he is supposed to have a solid fence of some kind; it may not have to be wooden.

Attorney Doll said there is a state statute that requires junk yards to have a solid fence. He said he thinks the difference is whether it is a junk yard where the cars are there to die, or a repair yard where they are there until they get the parts to fix them and move them.

Mrs. Rector said it could also be a storage lot like Mr. Willis. She said he has outside storage and they aren't enclosed in a solid fence and that is an "M" zoning. She said it is bad that zoning is in the middle of town.

Doris Horn said she will have Brian Flowers file the complaints from now on.

Mrs. Rector said she asked Tom McCullough with Red Fox Racing to come before the Board tonight for a recommendation. She said they should all have pictures in the files.

Mr. McCullough said he has some photos he can submit as well. (Copies on file.)

Mrs. Rector said Mr. McCullough came to site review because he wants to build a building on their property. She said in the ordinance it calls for a "racetrack" to be a Special Use in a commercial zoning. She said when he started describing to her what they actually did on the property she asked him to come before the Board because she thought a Special Use and commercial zoning was a bit overboard for their use of the property. She said this is all for fundraising to help Riley's Children Hospital and other organizations and it isn't being done every weekend nor is it a big track. She said there are no stands or restrooms there either.

Mr. McCullough said it is mostly woods and the property has been in his family since the '60's. He said it was a racetrack about 36 years ago and now they just donate money to organizations now. He said they are buying more trucks and want to get some bush hogs and tractors and have a place to store them. He said they had some issues in the past with items outside but not recently but a building will be nice to store those items. He said they will also use it when they sign up riders.

Mrs. Rector said the property is zoned Agriculture right now and asked if the Board thought it could fit under a Special Use in the Agriculture zoning. She said they have agreed to go before the Board of Zoning Appeals with a Special Use so they could have this building and other buildings if needed, but if they get really big then they will have to rezone. She said the County Engineer said they won't need any commercial entrance either.

Mr. McCullough said most likely this will be the only building they ever build.

Discussion ensued over the use of the property and the zoning.

Guy Gentry said the racetrack could be gone tomorrow but the building will still be there and he thinks it should just be an agriculture building.

Mr. McCullough said he appreciates all the help they have been receiving and they want to save the money if they can so they can make more donations and keep going.

Attorney Doll said this could be classified as an accessory farm building.

The Board asked several questions regarding whether crops were on the property.

Mr. McCullough said it was logged about 15-20 years ago.

Attorney Doll said it could be an agriculture storage building.

Doris Horn made a motion to issue the permit as an agriculture storage building. The motion was seconded by Richard Reid and unanimously carried.

ATTORNEY BUSINESS:

None.

EXECUTIVE DIRECTOR BUSINESS:

Budget

Mrs. Rector said she gave them all copies of the proposed budget. She said the only thing she did was put in for a 3% raise for staff and she left everything else the same as this year except she is asking to have Planner 3 reinstated. She said they talked about this last month but not all members were present. She said in 2013 the County Council cut the position and made it into part time. She said she is going to request to meet with the Council's Personnel Committee and ask for the Planner 3 position to be reinstated and eliminate the part time. She said they are getting a lot busier and when Warrick Trail opens up the commercial development will be flying into the office. She said everything is picking up – plats, permits, everything. She said they have already brought in over \$4500 more this year than last year in fees and so that would compensate for some of the salary.

Mrs. Rector said the difference in salary between part time and full time, if we had it this year, is \$11,949. She said she thinks they will cover most of that with the current fees if things keep going as well as they are; however, for years they have been charging \$50 for a residential permit and \$100 for a commercial permit, no matter what. She said Vanderburgh County changed their fees to charge by the square foot. She said we charge \$100 per foot but Vanderburgh County charged over \$4,000 for the same building.

Morrie Doll said so for example, when Meijer pulls a permit in Warrick County it will cost them \$100 even though it is a 70,000- 100,000 square foot building.

Mrs. Rector said right now it is \$100.00 and she isn't necessarily saying to do as Vanderburgh County because she doesn't want ... Meijer and those type stores are used to higher fees but the small businesses trying to get started is something else.

Mrs. Rector said they have issued 203 residential permits this year and 28 commercial permits for a total of \$12,950 in fees. She said if we charged \$100 for residential and \$200 for commercial then that would have been \$25,900 and that would, in half a year, more than pay to bring that position back to full time. She said we would be bringing in even more fees because she doesn't see things slowing down for a while.

Doris Horn said that sounds like a good idea.

Mrs. Rector said she could present this to the County Council's Personnel Committee at budget time, which is the only time she can do this. She said she would love for the part time person to become full time now but she doesn't think that will happen, she can ask if they allow her to do so but they are not allowed to ask until budget time.

Brad Overton said oh people try.

Mrs. Rector asked if the Board wants to vote to raise the fees and start bringing the money in or do they want her to wait and she can tell the Council that they are willing to raise the fees the following year to compensate for the salary.

Guy Gentry said he would rather wait because he would like give it some more thought. He said he thinks they may want a flat rate plus over a certain level of square footage charge more. He said he thinks we need to think about that instead of just doubling it because it will generate more money. He said he thinks this is the time to look at the fee structure and see if they can generate a little more money. He then asked if it has to be advertised.

Mrs. Rector said they have the authority to raise their fees. She said she thinks they have to put them in the paper 14 days before they go into effect.

Guy Gentry again said he would rather wait and give it more thought.

Mrs. Rector said she would like to be able to tell the Council they would be willing in some way to raise the fees to compensate for the full time person if needed.

Attorney Doll asked if she could bring the Vanderburgh County fees schedule in so they could look at it next month.

Mrs. Rector said she has it in her office and will send it to all of them.

Brad Overton said the Council might propose they will approve funding for part time until they deem the full time position would cover itself or it is technically needed before they put it out there right away. He said if they allocated another \$5,000 for part time then they aren't out the benefit costs.

Mrs. Rector said she already has a part time position and you can only work so many hours and she is doing about the maximum hours now.

Brad Overton said but she could split it with someone else and have another part time.

Mrs. Rector said the problem with that is it takes too long to learn the job. She said Sheila is retiring in another year and she is thinking about retiring in three years and ...

Doris Horn said they have to get some people in there and train them.

Mrs. Rector said she has to get people in there to train so they can step up and take over those jobs. She said you can't learn this job part time. She said there is no way, shape or form someone can learn the job by coming in 2-3 days a week. She said the only way to learn it is by hands on experience every day. She said as they can see on the agendas, nothing is alike and so every permit that comes to the office, every plat, nothing is the same. She said the staff has to learn both of the ordinances. She said they aren't like an office with ten employees where losing one employee doesn't hurt that much. She said they had five people and back in 2013 when the economy wasn't that great losing one person didn't hurt that much but now it is hurting. She said she has to be able to keep that office open and get someone to learn the job.

Brad Overton said he isn't disagreeing but he is saying that will probably be some of the conversation because a part time doesn't get benefits.

Mrs. Rector said she understands what he is saying but she hasn't been on County insurance for ten years.

Jeff Willis said the economy is booming right now and they need the extra person and in a year or two it may slow down and so when someone retires and she moves someone else up they will lose someone off the payroll and she could then go back to a part time position.

Mrs. Rector said she knows when Sheila retires she wants to move Molly up to that position because that is the only way to move up in that office is if someone retires or quits. She said

then Kim will move up and the other person can move up. She said she knows everyone comes before the Council and says the jobs are hard and they have so much work, etc. but every bit of the work in the other offices starts in the Plan Commission. She said it is hard to learn this job and the low pay makes it very hard to get people to stay without benefits.

Mrs. Rector said she needs their permission to go to the Council and ask. She said she put it in the budget both ways – putting Planner 3 back in and also the part time clerical and so they can decide which one to cut. She said again she wants their permission to go to the Council to ask for the full time position to be reinstated and that we are working on raising the fees to compensate for the extra cost out of the General Fund.

Brad Overton said he doesn't mind her asking but it doesn't necessarily mean he will give her his approval when it comes before the Council.

Jeff Willis said if they get the fees in place now and then when she goes to the Council....

Mrs. Rector said she has to go to the Council next month and that is why she needs them to say something now.

Brad Overton said it would help the Area Plan Commission become more self-sufficient.

Mrs. Rector said they are self-sufficient and they have run on \$10,000 a year for years except for salaries.

Amanda Mosiman asked about contractual services.

Mrs. Rector said contractual services are in there every year and this year she is going to try to get WTH to update the County Road Map.

Morrie Doll commented that currently the GIS maps are being paid for out of Stormwater and the contract is over and there is some question as to who will also help pay for that.

Mrs. Rector said the County Commissioners should pay for that. She said the Building Department is paying for the permit program.

Brad Overton said the majority of it is coming out of Stormwater.

Continuous discussion ensued over the contract payment.

Amanda Mosiman made a motion to approve the budget as presented with the option for the part time clerical increase in addition to the Planner 3 and show the differences between the two but to also discuss at that time about raising fees to offset those costs. The motion was seconded by Jeff Willis and unanimously carried.

Medical office in RO zoning

Mrs. Rector passed out excerpts from the Comprehensive Zoning Ordinance and said they spoke about this last month and if they want to come back to it in August that is fine. She then explained then said R-O is a residential area that allows offices such as medical or dental office but in number 2 it also says “including clinics”. Mrs. Rector said the definition of clinic is “an establishment of where patients, who are not lodged over-night, are admitted for examination and treatment by one person or a group of persons practicing any form of healing or health services to individuals, whether such persons by medical doctors, chiropractors, osteopaths, chiropodists, naturopaths, optometrists, dentists, or any such profess the practice of which is lawful in the State of Indiana.” She said so right now, by definition, they can put in a clinic in an R-O. She said in the “C-1” Neighborhood Commercial zoning, number 12 says “professional offices, business offices including medial, optometric and dental clinics” so it is listed in two different zonings.

Brad Overton said there is a big difference between the clinic in front of Wal-Mart in Boonville and the clinic on Epworth Road.

Bill Byers said so she is saying that the St. Mary’s clinic on Epworth Road could be allowed in an “R-O” right now.

Mrs. Rector said that is correct. She said the definition of Professional Office lists architects, attorneys, dentists, engineers, physicians, surgeons, etc. and so she thinks they could have built that St. Mary’s clinic in an “R-O” district. She said in Evansville it needs a “C-1” and she thinks they need to make a determination between a little clinic and an urgent care center. She said you can even bring ambulances to an urgent care center; you just can’t spend the night.

Amanda Mosiman said so she is talking about something with normal office hours versus 24 hour care.

Mrs. Rector said hospitals, any overnight care, requires a Special Use.

Amanda Mosiman said a lot of urgent care centers are open 24 hours.

Mrs. Rector said she has printed out information for them and it says an urgent care center is one degree more advanced than a retail clinic and are staff accordingly and they have x-rays etc. She said she just doesn’t know when they start coming in to the office what to tell them. She said there are some large medical facilities coming up and she thinks they need to be in commercial zoning, not in someone’s neighborhood.

Attorney Doll asked if she means all medical facilities should be in a commercial zoning.

Mrs. Rector said how will you make a determination between one doctor or ten doctors.

Attorney Doll said the only way he thinks they can do it if they choose and he isn't advocating they should, but it would be by square footage. He said if it is under a certain square footage then maybe it could be in an "R-O". He said he is thinking about Dr. Like in Elberfeld. He said his office is in a residential neighborhood.

Mrs. Rector said she doesn't think they should go in a residential area with houses. She said she thinks it should be in a "C-1".

Guy Gentry asked if there are many "R-O" zonings around.

Discussion ensued over the size of small offices currently in use in the city and county.

Guy Gentry said he wouldn't want any of number 2 in his subdivision. He said he thinks it all belongs in commercial.

Jeff Willis said if a doctor is working out of his house as a single doctor wouldn't that fall under what the "R-O" was designed for?

Amanda Mosiman said if there is a doctor working out of his house they have a larger issue.

Mrs. Rector said but they see what she is getting at.

Guy Gentry said he thinks the "R-O" is going by the wayside and he just doesn't see it.

Attorney Doll said they are becoming medical centers and he agrees with Mrs. Rector that they need to address it.

Guy Gentry said he thinks they should take it all out of "R-O" and put it in "C-1".

Rick Reid said it should all be in commercial.

Mrs. Rector said if that is what they think then they can vote to take any of the items in number 2 they feel should go into a commercial zoning and if by a certain size they need a Special Use like a hospital does. She said a lot other counties requires that.

Jeff Willis said he doesn't think a clinic should be in an "R-O" but he is thinking about individual offices.

Several members spoke at once regarding existing offices and their zoning with Attorney Doll stating that everything already in place is grandfathered and any ordinance change will not affect them.

Brad Overton said why don't they think about it for a month and come back.

Amanda Mosiman said they won't be here next month because nothing has been filed.

Attorney Doll said he said he doesn't think there is anything in number 2 that needs to be in a residential subdivision. He said they should take them all out.

Jeff Willis asked about doctors who only have one or two clients come to his house.

Amanda Mosiman said they could get a special use for a home office.

Several members spoke at once regarding existing businesses and special uses and the uses allowed in an "R-O" zoning and that number 3, banks and finance offices shouldn't be in a residential area .

Mrs. Rector said they really don't need an "R-O" zoning and asked if they could just eliminate it and move everything to a "C-1".

Brad Overton asked about the churches, to which Mrs. Rector said they can go in any zoning.

Mrs. Rector said she can change it and email it to them.

Guy Gentry asked if she wanted a motion to that effect.

Amanda Mosiman made a motion to eliminate the "R-O" district and move Section 1 Part 2 and Part 3 into the "C-1" Neighborhood Commercial Section 3 Part 12. The motion was seconded by Rick Reid.

Jeff Willis asked how this will affect the existing "R-O" zonings.

Mrs. Rector said they will be grandfathered in.

Attorney Doll said it won't change anything for them.

Jeff Willis asked if the zoning will go to "C-1" once they no longer have the business.

Attorney Doll said it would go to residential.

Jeff Willis commented about the "R-O" in Triple Crown because it has other zonings.

Discussion ensued over the location of "R-O" zonings within commercial areas.

Attorney Doll said there are "R-O" zonings on the map and he is uncomfortable in eliminating the "R-O" until they decide what to do with the zoning map; will they elevate the zoning up to "C-1" or take it residential. He said he doesn't think they can eliminate it and not modify the map. He said he would recommend they not eliminate it until they look at that.

Mrs. Rector said they could still move the items out of the “R-O” to “C-1” but not eliminate the R-O”.

Guy Gentry said they could then look at where the “R-O” is on the map and how they go about changing it.

Brad Overton said so right now they are just voting on drawing up an ordinance or what?

Guy Gentry said there is a motion on the floor and called for a motion. All members voted against the motion.

Guy Gentry called for another motion.

Amanda Mosiman made a motion to move Section 1 Part 2 and Part 3 from the “R-O” into the “C-1” Neighborhood Commercial Section 3 Part 12. The motion was seconded by Rick Reid.

Jeff Willis again asked about the existing offices in “R-O” to which it was explained they are grandfathered and can continue to do so but once they are sold, another office could not go there.

Brad Overton asked what if a father sells to a son.

Mrs. Rector said as long as the use doesn’t change it will not be affected.

Guy Gentry said the only time it would come into effect is if they want to come in to add on to the size of the building; then they would have to come into compliance.

The President called for a motion. Jeff Willis voted against the motion and all other members voted for the motion.

Mrs. Rector said a few months ago Brent Holweger contacted the office asking about building one warehouse with six individual units with offices and they were going to sell each unit with the property under it. She said after discussion with Attorney Doll it was decided they needed to do a PUD Subdivision and put each unit on a lot and that is what she told Brent. She said they filed the primary plat and then all of a sudden Alan Holweger called her and wanted to meet with her, Guy Gentry and Attorney Doll and his attorney. She said they met at the office and the idea changed from selling the land with each unit to becoming a “condo” type development and so Attorney Doll agreed with Mr. Holweger’s attorney that they would not have to file a subdivision plat. She said in that meeting, in front of all present, she told Mr. Holweger that if he wanted to ask for his filing fees back he could submit a request and she would turn in a claim. She said today she received a fax from Mr. Holweger requesting \$275 for the plat as well as the attorney fees and surveyor fees saying she said they would refund that. Mrs. Rector said that is false, she would never say they would refund that. She said he wants them to pay \$4490 to Utilities Consulting and \$945 to his attorney as well as the plat, for a total of \$5710.00. She said she would like for the Board to vote to turn this over to Attorney Doll to handle.

Doris Horn said because he changed his mind we owe him and his attorney?

Mrs. Rector said he is saying that she said that.

Doris Horn said she didn't believe Mrs. Rector would say that and she made a motion to turn the invoice over to Attorney Doll. Amanda Mosiman seconded the motion.

Richard Reid asked if they want Mr. Holweger to come here and defend himself.

Guy Gentry said no, he can go to court.

Mrs. Rector said she isn't a liar and what was said was in front of several people.

Guy Gentry said there was a motion and second on the floor and called for a vote. The motion unanimously carried.

Being no other business the meeting adjourned at 7:30 p.m.

Guy Gentry, President

ATTEST:

Sherri Rector, Executive Director